

APPROVED 7-7-14
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, June 2, 2014 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:00 PM.

MEMBERS PRESENT:

Vern E. Carlson, Chairman
Ronald D. Penton, Vice-Chairman
Curtis D. Andrews, Sr., Secretary
James J. Giulietti
Theresa Ranciato-Viele
Richard E. Wilson, Alternate
Mary Jane Mulligan, Alternate

MEMBERS ABSENT:

Edward M. Homa, Alternate

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
Jonathan Bodwell, Town Engineer
Laura Magaraci, Zoning Enforcement Officer
Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Carlson, Chairman, opened the meeting at 7:03 PM and introduced the Commissioners, alternates and town staff. Then he asked if there were any changes to the agenda. Mr. Alan Fredricksen, Land Use Administrator, stated that there were none.

PUBLIC HEARINGS:

Mr. Andrews read the call for the first Public Hearing.

The Commission elected to hear application #P14-07S & #P14-07 together.

1. #P14-07S Special Permit Application (as authorized by Section 3.1.1.2) of Quinnipiac University, Applicant & Owner, relative to 370 & 328 Bassett Road, (Map 91, Lots 22 & 19). Plan Entitled: Currently Proposed Overall Site Parking Plan. Prepared by Nathan L. Jacobson & Associates, Inc. Dated 04-08-14. Scale: 1" = 100'. LO Zoning District.
4. #P14-07 Site Plan Application of Quinnipiac University, Applicant & Owner, relative to 370 & 328 Bassett Road, (Map 91, Lots 22 & 19). Plan Entitled: Currently Proposed Overall Site Parking Plan. Prepared by Nathan L. Jacobson & Associates, Inc. Dated 04-08-14. Scale: 1" = 100'. LO Zoning District.

Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the applications to permit certain revisions to the parking areas on the north side of the property. The Special Permit is in accordance with Section 3.1.1.2 of the regulations that permit the use. The Inland Wetlands Commission approved a positive Site Plan Referral at their May 28, 2014 meeting. A net reduction of approximately 143 parking spaces is proposed. Approximately 1,920 parking spaces are proposed to remain. The Commission asked questions and Attorney Pellegrino responded.

Mr. Carlson asked for public comment. There being no public comment, the Public Hearing was closed.

Mr. Andrews read the call for the second Public Hearing.

The Commission elected to hear application #P14-13S & #P14-13 together.

2. #P14-13S Special Permit Application of Life Changing Outreach Ministry, Applicant, Luigi Ferraro Sr., Owner, relative to 30 Montowese Avenue, (Map16, Lot 52). Plan Entitled: Life Changing Outreach Ministries, 30 Montowese Avenue, North Haven, CT. Prepared by Edward Samuel Architect, Dated 5-5-14. Scale: 1"= 15', IL-30 Zoning District.
8. #P14-13 Site Plan Application of Life Changing Outreach Ministry, Applicant, Luigi Ferraro, Sr., Owner, relative to 30 Montowese Avenue, (Map16, Lot 52). Plan Entitled: Life Changing Outreach Ministries, 30 Montowese Avenue, North Haven, CT. Prepared by Edward Samuel Architect, Dated 5-5-14. Scale: 1"= 15', IL-30 Zoning District.

Mr. Gary Sessions of Life Changing Outreach Ministries presented the applications to permit the change of use of approximately 11,250 square feet of this existing, primarily single story, building from a manufacturing/office use to a church. The Commission earlier approved an amendment to the regulations permitting churches in industrial zones by Special Permit. No expansion of the existing building is proposed nor is any site work proposed except for a 5' wide concrete sidewalk across the Montowese Avenue frontage.

Thirty-one (31) parking spaces are proposed for the facility, which "backs into" the stated maximum occupancy of 124 persons. Also, in accordance with Section 10.1.5 of the regulations, the architect has attached a request for a waiver of the A-2 survey requirement. The Commission asked questions and Mr. Sessions responded. He stated that church services will be conducted on Tuesday's, Thursday's and Sunday's every week with approximately 20 to 60 people in attendance.

The Commission has concerns with the lack of parking. Mr. Edward Samuel, Architect, and Dr. Lisa Sessions-Gray of Life Changing Outreach Ministries answered questions regarding parking calculations. Dr. Sessions stated that they will hold services for funerals and weddings which further concerned the Commission with the lack of parking.

Mr. Carlson asked for public comment.

Public comment:

1. Cheryl Ardito, 25 Eaton Street, asked questions regarding the loading dock and how food and kitchen equipment will be brought into the building and what kind of quality control will be used for the food.
2. Tommy Artis of Life Changing Ministries spoke in favor of the application. He asked if he could have time to secure a contract with a neighbor for off-site parking.
3. Rich Brunner, 33 Montowese Avenue, 40 year resident, asked if the building is owned or leased and why the church needs such a large building for 20 people. He has concerns with this facility turning into a homeless shelter. He also asked about service hours and where parishioners will exit the facility after services.
4. Mark DeFonzo, 16 Louis Street, asked about security for the facility.
5. Joseph Demartino, 10 Papa Lane, spoke in opposition to the application. He feels this location is not suitable due to the lack of parking. He submitted a list of other locations in town that he feels would be more suitable for this use.
6. Julius Ardito, 25 Eaton Street, spoke in opposition. He has concerns with the lack of parking on the site and feels the location is not suitable.
7. Terry Martin, 13 Louis Street, has traffic concerns with people cutting through his neighborhood to Quinnipiac Avenue. He asked if people would be living there.
8. John DelVecchio, 33 Eaton Street, has concerns with increased traffic.
9. Tony Lavorgna, 18 Montowese Avenue, spoke in opposition. He has traffic concerns.
10. Peggy Lavorgna, 18 Montowese Avenue, has concerns with future plans and growth of the church. She asked if people will be living there.
11. Kimberly Artis of Life Changing Ministries spoke regarding the hours of church services and doesn't feel this use will increase traffic.
12. Rich Brunner, 33 Montowese Avenue, has concerns with headlights flashing in his window. He feels this use is not appropriate for this site.

Dr. Sessions, Mr. Gary Sessions, Mr. Thomas Artis and Ms. Kimberly Artis responded to the public comment. Mr. Edward Samuel also responded to questions from the public.

There being no further public comment, the Public Hearing was closed.

BREAK: 8:22 – 8:30 PM

Mr. Andrews read the call for the third Public Hearing.

The Commission elected to hear application #P14-14S & #P14-14 together.

3. #P14-14S Special Permit Application (as authorized by Section 8.11) of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street (Map 43, Lot 37) and 17 Stiles Lane (Map 51, Lot 25). Plan Entitled: Proposed Cumberland Farms Convenience Store with Gas, 249 State Street, North Haven, Connecticut. Prepared by Vanasse Hangen Brustlin, Inc. Dated May 8, 2014. Scale: 1"= 20', IL-30 Zoning District.

9. #P14-14 Site Plan Application of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street (Map 43, Lot 37) and 17 Stiles Lane (Map 51, Lot 25). Plan Entitled: Proposed Cumberland Farms Convenience Store with Gas, 249 State Street, North Haven, Connecticut. Prepared by Vanasse Hangen Brustlin, Inc. Dated May 8, 2014. Scale: 1"= 20', IL-30 Zoning District.

Attorney Joseph Williams of Shipman and Goodwin presented the applications to permit the construction of a new 4,513 square foot convenience store and a new gas fueling facility on this .9 acre property, which currently contains J. Roos restaurant. The Commission previously approved the Site Plan Application for J. Roos to relocate adjacent to this property at 17 Stiles Lane (#P14-05). The existing restaurant building will be demolished. An access driveway is proposed connecting this site to Stiles Lane, passing through a portion of the 17 Stiles Lane parking areas. The Special Permit Application is required by Section 8.11 for a new fueling facility.

The Zoning Board of Appeals approved a rear yard setback variance to permit the location of the convenience store on April 17, 2014. A Traffic Impact Study performed by Fuss & O'Neill dated May 2014 was submitted in support of the application. Attorney Williams submitted a revised drawing on sheet 12.0 showing a modified canopy, Exhibit B.

Mr. Mark Grocki, Senior Engineer of Vanasse Hangen Brustlin, Inc., submitted a site plan exhibit, Exhibit A and described the site layout, drainage system and lighting plan proposed for Cumberland Farms. The applicant is requesting approval of a 10' driveway radius where 20' is generally required and an outdoor seating area has been requested on the north side of the building. The Commission asked questions and Mr. Grocki responded. Then Mr. Stephen Savaria of Fuss & O'Neill spoke regarding the traffic study and answered questions from the Commission. Mr. Giulietti has safety concerns with vehicles exiting the site on Stiles Lane near JRoo's parking lot. The Commission asked further questions and Mr. Savaria and Attorney Williams responded.

Mr. Patrick O'Leary, Architect of Vanasse Hangen Brustlin, Inc., spoke regarding the layout, lighting and traffic flow of the site. He stated that the convenience store and gas station area will be open 24 hours a day. The Commission asked questions and Mr. O'Leary and Mr. Fredricksen responded. Then Mr. O'Leary discussed the operations of this business and the proposed architectural style of the building. Mr. Savaria discussed various speed control measures and sidewalks proposed for this site. Mr. Fredricksen asked that curb cuts be reconfigured from 4 to 2. The Commission asked a few more questions and Mr. Savaria responded.

The Commission asked that this application be continued to next month in order to modify the site plan and address safety concerns.

Mr. Giulietti moved to continue this application to the July 7, 2014 meeting; Mr. Andrews seconded the motion. All were in favor.

5. #P14-09 Site Plan Application of 346 State Street, LLC, Applicant & Owner, relative to 338 & 346 State Street, (Map 34, Lot 105). Plan Entitled: Mastromanolis's Restaurant Site Plan, 346 State Street, North Haven, CT. 06473. Prepared by Denis R. Ouimette Dated 4/1/2014. Scale: 1" = 20'. CB-40 Zoning District.

Mr. Denis Ouimette, Architect of 150 South Elm Street in Wallingford, CT, presented the application to permit the enclosure of the existing front portico to be used as an entry vestibule and waiting area, as well as a 40 square feet addition on the south side and an approximately 300 square feet addition to the rear (west side) of this existing, approximately 2,200 square feet restaurant. Some modest landscaping is also proposed. The approximately 24 feet of sidewalk required by earlier applications has yet to be installed. The owner stated that sidewalks will be installed this summer around the same time as the construction of the front portico. The Commission asked questions and Mr. Ouimette responded.

6. #P14-10 Site Plan Application of TPA Design Group, Applicant, Covidien. Owner, relative to 195 McDermott Road, (Map 3, Lots 7 & 10 and Map 6, Lots 26, 28 & 29). Plan Entitled: Turnstile Canopy Entrance Covering for Covidien Global Headquarters, Middletown Avenue, McDermott Road, North Haven, Connecticut. Prepared by TPA Design Group, Dated April 16, 2014. Scale: 1" = 40'. IL-30 Zoning District.

Mr. John Zyrlis of TPA Design Group presented the application to permit the construction of a 15' x 15' canopy above the main employee "turnstile" entrance opposite the parking garage on McDermott Road. This proposed project is CAM exempt under Section 10.2.5.1 (1) of the regulations. The Zoning Board of Appeals granted a front yard setback variance at their 15 May 2014 meeting, to permit this work. The Inland Wetlands Commission approved a Positive Site Plan Referral at their 28 May 2014 meeting (I14-07). Mr. Zyrlis submitted a photograph of the canopy, Exhibit A and asked the Commission to waive the soil & erosion control bond requirements for this small project. The Commission asked questions and Mr. Zyrlis responded.

CHANGE OF USE:

-47 Quinnipiac Avenue

Mr. Jerry Blank, owner, presented the change of use from a restaurant to an expansion of a dance studio and the change of use from a music studio to a restaurant.

Mrs. Ranciato-Viele moved to approve the change of use from a restaurant to dance studio and the change of use from a music studio to a restaurant; Mr. Penton seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giuliatti – aye Ranciato-Viele – aye

7. #P14-12 Site Plan Application of 415 Washington Ave. Partners LLC, Applicant & Owner, relative to 409 Washington Avenue, (Map 90, Lot, 6). Plan Entitled: Northeast Gateway Industrial Park, 409 Washington Avenue, North Haven, CT. Prepared by Langan Engineering and Environmental Services, Inc. Dated April 28, 2014. Scale: 1" = 200'. IL-80 Zoning District.

Attorney Susan Hays, Updike, Kelly & Spellacy and Lynn Lawrence of Rabina Properties presented the application to permit the redevelopment of this approximately 169 acre site which formerly contained the Pratt & Whitney Aircraft factory complex. The existing factory has been principally vacant since the late 1990's. The demolition of the main manufacturing building is ongoing. All buildings on the site will ultimately be demolished.

The applicant/owner's intent is to redevelop the site as a wholesale distribution and trucking terminal/manufacturing facility. Three buildings are proposed for the property at this time, the most significant of which is a single story, 1,200,000 square feet manufacturing/warehouse/trucking terminal to be constructed on the eastern side of the property in the area that currently contains the main factory and office structure. Also proposed is a 100,000 square feet building, also single story, and intended for a warehouse/trucking use. This building is proposed for the northwest corner of the site. Additionally a 4,000 square feet vehicle maintenance building is proposed for the northeast corner of the site. No Certificate of Location for motor vehicle repair has been requested at this time.

Parking areas for both trucks and passenger vehicles are proximate to the buildings and distributed proportionately. A fueling facility is proposed for the northeast corner of the site as well. Proposed development for the property is generally being limited to previously developed areas, away from the Quinnipiac River which forms the western boundary of the property.

The existing vehicle access from Washington Avenue is intended to remain the primary vehicular access point but a connecting road (proposed new Town road) to Defco Park Road is also proposed. The proposed connecting road to Valley Service Road is still in the planning stage but is not specifically a part of this proposal. The Inland Wetlands Commission issued a positive Site Plan Referral at their 28 May 2014 meeting (#I14-08).

Mr. John Plante of Langan Engineering & Environmental Services discussed the site design and landscaping and storm water management plans. He stated that water, sewer and gas utilities are available to this site. Then he discussed the Traffic Impact Study that was submitted in support of this application. He stated that Valley Service Road is not a part of this application. The Commission asked questions and Mr. Plante, Ms. Hays and Mr. Bodwell, Town Engineer, responded. Mr. Penton asked about an easement for access to a trail along the Quinnipiac River. Mrs. Lawrence stated that they cannot commit to an easement at this time because it depends upon the tenants and their need for security.

Mr. Kevin King of Environmental Resources Management in Hartford, CT spoke regarding remediation of the site.

BREAK: 10:54 – 11:02 PM

DELIBERATION SESSION:

Mr. Andrews moved to go into deliberations; Mrs. Ranciato-Viele seconded the motion. All were in favor.

PUBLIC HEARINGS:

1. #P14-07S Special Permit Application (as authorized by Section 3.1.1.2) of Quinnipiac University, Applicant & Owner, relative to 370 & 328 Bassett Road.

Mrs. Ranciato-Viele moved to approve the application; Mr. Penton seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

The application was approved with appropriate conditions.

2. #P14-13S Special Permit Application of Life Changing Outreach Ministry, Applicant, Luigi Ferraro Sr., Owner, relative to 30 Montowese Avenue.

Mr. Andrews moved to continue deliberations to the July 7, 2014 meeting; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

SITE PLANS:

4. #P14-07 Site Plan Application of Quinnipiac University, Applicant & Owner, relative to 370 & 328 Bassett Road.

Mrs. Ranciato-Viele moved to approve the application; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

The application was approved with appropriate conditions.

5. #P14-09 Site Plan Application of 346 State Street, LLC, Applicant & Owner, relative to 338 & 346 State Street.

Mr. Andrews moved to approve the application; Mr. Giulietti seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

The application was approved with appropriate conditions.

6. #P14-10 Site Plan Application of TPA Design Group, Applicant, Covidien, Owner, relative to 195 McDermott Road.

Mr. Giulietti moved to approve the application and waive the bond for soil & erosion control requirements; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

The application was approved with appropriate conditions.

7. #P14-12 Site Plan Application of 415 Washington Ave. Partners LLC, Applicant & Owner, relative to 409 Washington Avenue.

Mr. Andrews moved to approve the application; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Penton – nay Andrews – aye Giulietti – aye Ranciato-Viele – aye

The application was approved with appropriate conditions.

8. #P14-13 Site Plan Application of Life Changing Outreach Ministry, Applicant, Luigi Ferraro, Sr., Owner, relative to 30 Montowese Avenue.

Mr. Andrews moved to continue deliberations to the July 7, 2014 meeting; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

INFORMAL PRESENTATION: None

EXTENSIONS: None

BONDS:

-#P12-04, 344 Washington Avenue

Mr. Giulietti moved to release the entire bond for application #P12-04, 344 Washington Avenue, in the amount of \$2,500.00; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

-#P11-37, 30 Stillman Road

Mr. Andrews moved to release the entire bond for application #P11-37, 30 Stillman Road, in the amount of \$50,000.00; Mr. Giulietti seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

CORRESPONDENCE: CT Federation of Planning & Zoning Agencies,
Newsletter

MINUTES:

May 5, 2014

Mrs. Ranciato-Viele moved to approve the May 5, 2014 minutes; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye

ADJOURN:

There being no further business, Mr. Penton moved to adjourn; Mrs. Ranciato-Viele seconded the motion. The meeting was adjourned at 11:13 PM.